

Exhibit 6

David Heckert

June 4, 2003

Cincinnati, OH

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1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF OHIO

3 WESTERN DIVISION

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CERTIFIED
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7 THE PROCTER & GAMBLE COMPANY,

8 Plaintiff,

9 vs.

10 THE COCA-COLA COMPANY,

11 Defendant.

CASE NO.
C-1-02-393

HALE AND DORR
FILE COPY

15 Deposition of: DAVID HECKERT

16 Taken: By the Defendant
Pursuant to Subpoena

17 Date: June 4, 2003

18 Time: Commencing at 9:14 a.m.

19 Place: Dinsmore & Shohl

1900 Chemed Center

255 East Fifth Street

Cincinnati, Ohio 45202

20 Before: S. Diane Farrell, RMR, CRR

21 Notary Public

22 State of Ohio

David Heckert

June 4, 2003

Cincinnati, OH

62

1 single strength fruit beverage.

2 Q. All right.

3 A. All right? So this is a product patent.

4 Q. Yes, sir.

5 A. Okay? That's '847. '963 is the method
6 patent, how -- this is a method by which you can make
7 this product, not the only method but a method.

8 Q. All right. Now, just so I'm keeping up
9 with you, you're referring to '963 now?

10 A. I'm now talking about '963.

11 Q. All right. And you placed your hand on
12 something a moment ago when you were explaining this
13 to me. '963 is a method of making the product?

14 A. '963 is the method patent. '847 is the
15 product patent.

16 Q. Okay. Am I understanding you to say that
17 the '963 patent is a method of making what you were
18 reviewing with me in claim 1 of the '847 patent, the
19 product patent?

20 MS. FERRERA: Objection. Objection.

21 A. It is a way to make that product.

22 Q. All right. Are there any other

David Heckert

June 4, 2003

Cincinnati, OH

65

1 accommodate him, and that's all. As I say, you
2 know, anything that will help with that, I
3 don't mind. But the objection, beyond just
4 objecting so that that coaches an answer --

5 MS. FERRERA: I'm not --

6 MR. IVEY: -- I don't appreciate, and I
7 object to that so --

8 MS. FERRERA: Well, I'm not coaching the
9 witness. I'm just stating an objection on the
10 record.

11 MR. IVEY: All right.

12 Q. Do you understand where we were or do you
13 want me to go back over?

14 A. I think so.

15 Q. All right. Was my understanding of what
16 you had told me a few moments ago correct --

17 MS. FERRERA: Objection.

18 Q. -- that the '963 patent was a method of
19 making the '847 patent product?

20 MS. FERRERA: Objection.

21 A. The '963 patent is a method to make a
22 calcium fortified juice of many different shapes and

David Heckert

June 4, 2003

Cincinnati, OH

66

1 forms, one of which could be the products described
2 in the product patent or the -- several of which
3 could be those listed.

4 Q. Which is the '847?

5 A. The product patent -- the product patent
6 is a product that can be made by other methods. The
7 method patent is a patent that could be made -- could
8 be used to make other types of products. It happens,
9 yes, that you can use this method patent to make this
10 product.

11 Q. All right. And -- okay. And
12 understanding that point, are there any other
13 differences between the '847 invention and the '963
14 invention other than what you have explained to me?

15 MS. FERRERA: Objection.

16 A. Again, explaining that they're both --
17 they're both broader than the connection between the
18 two. The method is a lot broader than this product.
19 And this product is -- can be made by other methods
20 than this method patent.

21 Q. All right. And when you say --

22 A. But this product --